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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,817	03/17/2004	Hiroichi Inada	250406US3KK DIV	2515
22850	7590	07/22/2004	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			LAZOR, MICHELLE A	
			ART UNIT	PAPER NUMBER
			1734	

DATE MAILED: 07/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/801,817

Applicant(s)

INADA ET AL.

Examiner

Michelle A Lazor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9, 11 and 13 is/are allowed.
- 6) ☒ Claim(s) 8 and 10 is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nanbu et al. (U.S. Patent No. 5565034) in view of Fischli et al. (U.S. Patent No. 5690995).

Regarding Claim 8, Nanbu et al. disclose a coating unit comprising a container or cup (25b) enclosing a substrate; a casing for accommodating said container therein; a supply device (87) for supplying a gas into said casing; a first exhaust pipe (88); and a second exhaust pipe (85) (Figure 19; column 18, lines 17 – 36) wherein the flow rate of the atmosphere inside the casing which is exhausted from the second exhaust pipe is adjusted to maintain a higher pressure inside the casing than outside the casing (column 11, line 62 – column 12, line 5), but does not specifically disclose adjusting devices which are disposed in said first and second exhaust pipes. However, Fischli et al. disclose adjusting devices (74.2) (74.3) in each exhaust line inside of a container (Figure 1; column 5, lines 6 – 12 and column 9, lines 22 – 45). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use adjusting devices such as dampers in both exhaust pipes to be able to control the exhaust flow in the apparatus.

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Regarding Claim 10, Nanbu et al. disclose adjusting the flow rate of the atmosphere inside the container (column 18, lines 32 – 36), and diffusing the coating solution while the substrate is rotated via a spin chuck (25a) (Figure 19). Although Nanbu et al. does not specifically disclose increasing the flow rate of the atmosphere only when the coating solution is supplied onto a center of the substrate, one of ordinary skill in the art at the time of the invention would know to increase the flow rate of the atmosphere when the coating solution is dispensed onto the substrate in order to increase the rate of drying and the rate of production.

Allowable Subject Matter

3. Claims 9, 11, and 13 are allowed. There was no reference in the prior art search that disclosed, taught, or suggested a downstream side of said first exhaust pipe is connected to an upstream side of said second adjusting device in said second exhaust pipe. All of the references found, as disclosed above, had separate exhaust pipes.

4. Claim 12 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. There was no reference in the prior art search that disclosed, taught, or suggested a carrier for carrying a coating solution supply nozzle; an accommodating portion for accommodating said carrier which is disposed inside said casing; and a third exhaust pipe for exhausting an atmosphere inside said accommodating portion. Nanbu et al. disclose a carrier for carrying a coating solution supply nozzle and an accommodating portion or dispensing portion (100) for accommodating said carrier disposed inside said casing, but does not disclose a third exhaust pipe for exhausting an atmosphere inside said accommodating portion. Rather, Nanbu et al. disclose a drain

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tank through a pipe (101) for exhausting a liquid (column 19, lines 60 – 65). In addition, there is no motivation to include a third exhaust pipe for exhausting an atmosphere inside said accommodating portion.

Conclusion

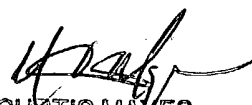
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle A Lazor whose telephone number is 571-272-1232. The examiner can normally be reached on Mon - Wed 6:30 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on 571-272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



MAL
7/19/04



CURTIS MAYES
PRIMARY EXAMINER